

AMENDED IN ASSEMBLY MAY 2, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3035

Introduced by Assembly Member Laird

February 24, 2006

An act to amend Sections 67655 and 67675.3, 67675.3, and 67679 of the Government Code, relating to military base reuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 3035, as amended, Laird. Fort Ord Reuse Authority Act: reuse plan.

The Fort Ord Reuse Authority Act requires the governing board of the Fort Ord Reuse Authority to develop a reuse plan for the transition of Fort Ord from military to civilian use.

The act requires each county or city with territory occupied by Fort Ord to submit to the board its general plan or amended general plan, according to specified criteria. ~~The board is required to certify or refuse to certify, in whole or in part, the portion of the plan or amended plan applicable to the territory of Fort Ord, within 90 days of its submittal by the county or city.~~ *Existing law authorizes the board to finance basewide capital facilities through state and federal grants, loans, or other assistance, by levying assessments, reassessments, or special taxes under various acts, by the issuance of bonds pursuant to specified laws, and by creating financing districts. Existing law also establishes the California Infrastructure and Economic Development Bank.*

~~This bill would instead require the board to certify or refuse to certify, in whole or in part, the portion of the plan or amended plan applicable to the territory of Fort Ord, within 120 days of its submittal~~

~~by the county or city. This bill would additionally authorize the board to receive funds from the California Infrastructure and Economic Development Bank.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 67655 of the Government Code is
2 amended to read:
3 67655. Unless the context otherwise requires, the definitions
4 contained in this chapter govern the construction of this title.
5 (a) “Authority” means the Fort Ord Reuse Authority.
6 (b) “Base-wide facility” means a public capital facility which,
7 in the judgment of the board, is important to the overall reuse of
8 Fort Ord, and has significance beyond any single city or the
9 unincorporated area of the county.
10 (c) “Board” means the governing board of the authority, as
11 specified in Section 67660.
12 (d) “Fort Ord Reuse Plan” means the plan for the future use of
13 Fort Ord adopted pursuant to Section 67675.
14 (e) “Legislative body” means the city council of a city or the
15 board of supervisors of a county, or the legislative body or
16 governing board of any other public agency.
17 (f) “Local facility” means a public capital facility which, in the
18 judgment of the board, is important primarily within a single city
19 or the unincorporated area of the county.
20 (g) “Member agency” means the County of Monterey and the
21 City of Carmel, the City of Del Rey Oaks, the City of Marina, the
22 City of Sand City, the City of Monterey, the City of Pacific
23 Grove, the City of Salinas, or the City of Seaside.
24 (h) “Fort Ord,” including references to the territory or area of
25 Fort Ord, means the geographical area described in the document
26 entitled “Description of the Fort Ord Military Reservation
27 Including Portion of the Monterey City Lands Tract No. 1, the
28 Saucito, Laguna Seca, El Chamisal, El Toro and Noche Buena
29 Ranchos, the James Bardin Partition of 1880 and Townships 14
30 South, Ranges 1 and 2 East and Townships 15 South, Ranges 2
31 and 3 East, M.D.B. and M. Monterey County, California,”

1 prepared by Bestor Engineers, Inc., and delivered to the
2 Sacramento District Corps of Engineers on April 11, 1994.

3 (i) "Public capital facilities" means all public capital facilities
4 described in the Fort Ord Reuse Plan, including, but not limited
5 to, roads, freeways, ramps, air transportation facilities and freight
6 hauling and handling facilities, sewage and water conveyance
7 and treatment facilities, schools, libraries, and other educational
8 facilities, and recreational facilities, that could most efficiently
9 and conveniently be planned, negotiated, financed, or constructed
10 by the authority to further the integrated future use of Fort Ord.

11 (j) "Redevelopment authority," for purposes of the transfer of
12 property at military bases pursuant to Title XXIX of the National
13 Defense Authorization Act for the 1994 fiscal year, means the
14 Fort Ord Reuse Authority, except that, with respect to property
15 within the territory of Fort Ord that is transferred or to be
16 transferred to the California State University or to the University
17 of California, "redevelopment authority" solely for purposes of
18 the transfer of property at military bases pursuant to Title XXIX
19 of the National Defense Authorization Act for the 1994 fiscal
20 year means the California State University or the University of
21 California, and does not mean the Fort Ord Reuse Authority.

22 SEC. 2. Section 67675.3 of the Government Code is amended
23 to read:

24 67675.3. (a) The board shall, within ~~120~~ 90 days after the
25 submittal, after a noticed public hearing, either certify or refuse
26 to certify, in whole or in part, the portion of the general plan or
27 amended general plan applicable to the territory of Fort Ord.

28 (b) Where a general plan or amended general plan is refused
29 certification, in whole or in part, the board shall provide a written
30 explanation and may suggest modifications, which, if adopted
31 and transmitted to the board by the county or a city, will allow
32 the amended general plan to be deemed certified upon
33 confirmation of the executive officer of the board. The county or
34 a city may elect to meet the board's refusal of certification in a
35 manner other than as suggested by the board and may then
36 resubmit its revised general plan to the board. If the county or a
37 city requests that the board not recommend or suggest
38 modifications which if made will result in certification, the board
39 shall refuse certification with the required findings.

1 (c) The board shall approve and certify the portions of a
2 general plan or amended general plan applicable to the territory
3 of Fort Ord, or any amendments thereto, if the board finds that
4 the portions of the general plan or amended general plan
5 applicable to the territory of Fort Ord meet the requirements of
6 this title, and are consistent with the Fort Ord Reuse Plan.

7 *SEC. 3. Section 67679 of the Government Code is amended to*
8 *read:*

9 67679. (a) (1) The board shall identify those basewide
10 public capital facilities described in the Fort Ord Reuse Plan,
11 including, but not limited to, roads, freeway ramps, air
12 transportation facilities, and freight hauling and handling
13 facilities; sewage and water conveyance and treatment facilities;
14 ~~school, library,~~ *schools, libraries,* and other educational facilities;
15 and recreational facilities, that serve residents or will serve future
16 residents of the base territory and could most efficiently or
17 conveniently be planned, negotiated, financed, constructed, or
18 repaired, remodeled, or replaced by the board to further the
19 integrated future use of the base. The board shall undertake to
20 plan for and arrange the provision of those facilities, including
21 arranging for their financing and construction or repair,
22 remodeling, or replacement. The board may plan, design,
23 construct, repair, remodel, or replace and finance these public
24 capital facilities, or delegate any of those powers to one or more
25 member agencies. Notwithstanding any other provision of law,
26 no permit or permission of any kind from any city or county shall
27 be required for any project undertaken by the board pursuant to
28 this section.

29 (2) The board shall identify significant local public capital
30 facilities, as distinguished from the basewide public capital
31 facilities identified in the paragraph (1) which are described in
32 the Fort Ord Reuse Plan. Local public capital facilities shall be
33 the responsibility of the city or county with land use jurisdiction
34 or the redevelopment agency if the facilities are located within an
35 established project area and the board of the redevelopment
36 agency determines that it will assume responsibility.

37 (3) The board may construct or otherwise act to improve a
38 local public capital facility only with the consent of the city or
39 county with land use authority over the area where the facility is
40 or will be located. A city or county or a local redevelopment

1 agency may construct or otherwise act to improve a basewide
2 public capital facility only with the consent of the board.

3 (b) If all or any portion of the Fritzsche Army Air Field is
4 transferred to the City of Marina, the board shall not consider
5 those portions of the air field that continue to be used as an
6 airport to be basewide capital facilities, except with the consent
7 of the legislative body of the city. If all or any portion of the two
8 Army golf courses within the territory of Seaside are transferred
9 to the City of Seaside, the board shall not consider those portions
10 of the golf courses that continue in use as golf courses to be
11 basewide capital facilities, except with the consent of the
12 legislative body of the city.

13 (c) The board may seek state and federal grants and loans or
14 other assistance to help fund public facilities.

15 (d) The board may, in any year, levy assessments,
16 reassessments, or special taxes and issue bonds to finance these
17 basewide public facilities in accordance with, and pursuant to,
18 any of the following:

19 (1) The Improvement Act of 1911 (Division 7 (commencing
20 with Section 5000) of the Streets and Highways Code).

21 (2) The Improvement Bond Act of 1915 (Division 10
22 (commencing with Section 8500) of the Streets and Highways
23 Code).

24 (3) The Municipal Improvement Act of 1913 (Division 12
25 (commencing with Section 10000) of the Streets and Highways
26 Code).

27 (4) The Benefit Assessment Act of 1982 (Chapter 6.4
28 (commencing with Section 54703)).

29 (5) The Landscape and Lighting Act of 1972 (Part 2
30 (commencing with Section 22500) of Division 15 of the Streets
31 and Highways Code).

32 (6) The Integrated Financing District Act (Chapter 1.5
33 (commencing with Section 53175) of Division 2 of Title 5).

34 (7) The Mello-Roos Community Facilities Act of 1982
35 (Chapter 2.5 (commencing with Section 53311) of Part 1 of
36 Division 2 of Title 5).

37 (8) The Infrastructure Financing District Act (Chapter 2.8
38 (commencing with Section 53395) of Division 2 of Title 5).

(9) The Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1).

(10) The Revenue Bond Act of 1941 (Chapter 6 (commencing with Section 54300) of Division 2 of Title 5).

(11) Fire suppression assessments levied pursuant to Article 3.6 (commencing with Section 50078) of Chapter 1 of Part 1 of Division 1 of Title 5.

(12) The Habitat Maintenance Funding Act (Chapter 11 (commencing with Section 2900) of Division 3 of the Fish and Game Code).

Notwithstanding any other provision of law, the board may create any of these financing districts within the area of Fort Ord to finance basewide public facilities without the consent of any city or county. In addition, until January 1, 2000, the board may, but is not obligated to create, within the area of Fort Ord, any of these financing districts which authorize financing for public services and may levy authorized assessments or special taxes in order to pass through funding for these services to the local agencies. Notwithstanding any other provision of law, no city or county with jurisdiction over any area of the base, whether now or in the future, shall create any land-based financing district or levy any assessment or tax secured by a lien on real property within the area of the base without the consent of the board, except that the city or county may create these financing districts for the purposes and subject to any financing limitations that may be specified in the capital improvement program prepared pursuant to Section 67675.

(e) The board may levy development fees on development projects within the area of the base. Any development fees shall comply with the requirements of Chapter 5 (commencing with Section 66000) of Division 1 of Title 5. No local agency shall issue any building permit for any development within the area of Fort Ord until the board has certified that all development fees that it has levied with respect to the development project have been paid or otherwise satisfied.

- 1 (f) *The board may receive funds from the California*
- 2 *Infrastructure and Economic Development Bank pursuant to*
- 3 *Division 1 (commencing with Section 63000) of Title 6.7.*

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